

No. 25-5757 ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

KRISTOPHER FREDA - PETITIONER  
(Your Name)

**FILED**

SEP 16 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

vs.

STATE OF OREGON - RESPONDENT(S)

ON PETITION FOR A WRIT OF MANDAMUS TO

STATE OF OREGON COURT OF APPEALS  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF MANDAMUS

KRISTOPHER FREDA, SID #15867625  
(Your Name)

Oregon State Penitentiary (OSP) 2605 State St.  
(Address)

Salem, OR 97310  
(City, State, Zip Code)

N/A  
(Phone Number)

### QUESTION(S) PRESENTED

Will SCOTUS order a writ of mandamus to stop the State of Oregon from punishing Freda with cruel and unusual punishment and stop the Constitutional violations of the 1<sup>st</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments of the U.S. Constitution?

### LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

#### Petitioner

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Oregon State Penitentiary (OSP)  
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Salem, OR 97310

#### Respondent

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### RELATED CASES

- 1.State v. Freda, 372 Or. 192, S070936 (Or. Apr 11 2024)
- 2.State v. Freda, A180194 (Or. App. Feb 22, 2024)
- 3.State v. Freda, 544 P.3d 451, 331 Or. App. 348 (Or. App. 2024)
- 4.State v. Freda, 372 Or. 192, 546 P.3d 913 (Or. 2024)

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IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue to review the judgment below.

**OPINIONS BELOW – Case # A180194**

☐ For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☒ For cases from **state courts:**

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☒ reported at State v. Freda, 544 P.3d 451, 331 Or. App. 348 (Or. App. 2024); or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The denial to review by the Oregon Supreme Court court appears at Appendix B to the petition and is

- ☒ reported at State v. Freda, 372 Or. 192, 546 P.3d 913 (Or. 2024); or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

**JURISDICTION – Case #A179873**

☐ For cases from **federal courts**:

the date on which the United State Court of Appeals decided my case was \_\_\_\_\_.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition or a writ of mandamus was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 2-22-24, A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: 4-11-24, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of mandamus was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U.S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

**U.S. Constitution 1<sup>st</sup> Amendment**

**U.S. Constitution 8<sup>th</sup> Amendment**

**U.S. Constitution 14<sup>th</sup> Amendment, Section 1**

**18 U.S.C. Sec.3582 (c)(1)(A)**

**Oregon Constitution Article 1 Section 8**

**ORS 163.750**

## STATEMENT OF THE CASE

This is a request for emergency relief within eight days of the date of this petition for a writ of Mandamus due to the petitioner recently receiving death threats from an inmate here at Oregon State Penitentiary (OSP). The petitioner, Mr. Kristopher Freda, asserts that the State of Oregon is in direct violation of the 1<sup>st</sup> Amendment of the U.S. Constitution by sentencing him to serve 24 months in the Oregon DOC for things that he had a right to say by his freedom of speech right protected in the 1<sup>st</sup> Amendment of the U.S. Constitution. Freda also asserts that the State of Oregon also sentenced Freda to be on post-prison supervision for the length of 36 months which is a punitive sanction and is illegal because of the 1<sup>st</sup> Amendment right to free speech. All punitive sanctions against Freda are unconstitutional because his speech was protected by the 1<sup>st</sup> Amendment of the U.S. Constitution and need to be corrected. Freda asserts that everything that he said is protected speech and therefore the State of Oregon is not lawfully allowed to punish him for anything that he said. Freda has been incarcerated but won't start serving time for this alleged offense until March 2026. In the State of Oregon, in order to be convicted of stalking, caselaw in State v. Rangel, 328 Or. 294 (Or. 1999) says that the accused must threaten the victim with serious personal injury. Freda asserts that because he didn't use any threatening language that he was wrongfully convicted of violation of a stalking protective order. Freda asks the SCOTUS to send the Oregon Court of Appeals a writ of mandamus that orders all convictions for the Yamhill County Circuit Court case #21CR21721 be overturned (reversed) and all punitive sanctions immediately stopped in which would result in a release from custody and relief of the 36 months of post-prison-supervision. Freda also asks that SCOTUS orders a writ of mandamus to the Oregon DOC to provide money for failure to protect him during times in which he was assaulted under their watch. Freda vows that he will prove in this petition for a writ of mandamus that everything that he said to his Santos is protected by the 1<sup>st</sup> Amendment of the U.S. Constitution freedom of speech clause and therefore this petition for a writ of mandamus should be granted.

It is written in the 1<sup>st</sup> Amendment of the U.S. Constitution that Congress shall make no law abridging the freedom of speech and it is written in Section 8 of Article 1 of the Oregon Constitution that no law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever. And in Section 1 of the 14<sup>th</sup> Amendment of the U.S. Constitution it is written that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States as well as no state shall deny to any person within its jurisdiction the equal protection of the laws. All three protects Freda from any punishment for his speech and provides for equal protection of the laws to all citizens. The State of Oregon however, made a law ORS 163.750 – Stalking, the State of Oregon did exactly just that, it abridges people's freedom of speech.

Mr. Freda alleges that he is not receiving equal protection of the laws and that his freedom of speech has been violated resulting in a lengthy DOC sentence and post-prison supervision time. Mr. Freda requests that SCOTUS review his speech to determine if his right to freedom of speech is being violated by the State of Oregon and to provide emergency relief if it is. One reason that Freda is requesting this is because he is really unsafe at the Oregon State



Penitentiary (OSP). He has been assaulted by 13 different Adults in Custody (AIC's) and punched approximately 490 times. Freda hopes that SCOTUS can take it seriously and review his speech because it is happening way to frequently and the correction officers aren't even aware of the assaults because it's been in areas not covered by cameras or guards were not stationed at their regular posts. On two separate occasions, an AIC came into Freda's cell when he was sleeping and grabbed him by the hair and started punching. The AIC knocked three teeth out of Freda's mouth. There was not much he could do and was overpowered. This happened as the correction officer opened all 40 cell doors on the tier for optional yard in the morning time at approximately 8:00am while Freda was still asleep.

There was another occasion where the AIC got Freda down on the ground and put his legs over Freda's arms and sat on Freda's chest, a full mount. Freda was pinned and helpless and out of sight from the corrections officers and was punched probably 200+ times and had 23 teeth knocked out of his mouth. Freda's face was black and blue for months and he also had a head ache that was constant for 7- and one-half months. One AIC on the upper tier in his cell told the AIC to stop because he was going to kill Freda but that didn't stop him. Freda is really scared and hopes that SCOTUS can review his speech and determine that the State of Oregon is in violation on the 1<sup>st</sup> Amendment, 8<sup>th</sup> Amendment, and the 14<sup>th</sup> Amendment of the U.S. Constitution as well as in violation of the caselaw *State v. Rangel*, 328 Or. 294 (Or. 1999) and the Article 1 Section 8 rights to free speech in the Oregon Constitution. Freda is being assaulted a lot of times at OSP and is extremely unsafe because the corrections officers are not seeing the assaults and are not able to protect him from the other AICs. Please see *Williams v. Cupp*, 567 P.2d 565, 30 Or. 375 (Or. App. 1977) to see just how dangerous it can be at OSP. Freda feels like his 8<sup>th</sup> Amendment of the U.S. Constitution is being violated because the OSP corrections officers are unable to protect him from other AICs. Freda feels like he should be let out in order to protect him from cruel and unusual punishment from being assaulted every other week. It's just cruel and unusual to keep someone in DOC custody when they're being assaulted like this so frequently and the Corrections officers are unable to protect them. Freda's scheduled release date is in June 2026 so if SCOTUS does issue a writ of mandamus ordering the State of Oregon to reverse convictions because they are in direct violation of the U.S. Constitution 1<sup>st</sup> Amendment rights to free speech then it would only get Freda out approximately 9 months early which would not create an injury or harm to the public. A similar situation where the SCOTUS protected prisoners from ongoing harm is in *Brown v. Plata*, 131 S. Ct. 1910, 179 L.Ed2d 969, 563 U.S. 493 (2011). In *Brown v. Plata* the Supreme Court ordered 46,000 California prisoners to be released in order to protect the prisoners from harm. Freda is asking that his 14<sup>th</sup> Amendment rights be honored in that the SCOTUS protected prisoners in California that had mental health disorders so that he deserves equal protection.

In *Brown v. Plata*, after years of litigation, it became apparent that a remedy for the constitutional violations in the California prison system would not be effective absent a reduction in the prison system population so SCOTUS ordered 46,000 prisoners released and focused on two classes of prisoners, prisoners with serious medical conditions and prisoners with serious mental disorders. Mr. Freda fits into the latter class of prisoners because he is

diagnosed with Schizophrenia and is being treated by Behavioral Health Services at OSP. And being assaulted on a frequent basis is not helping Freda's mental health disorder so he pleads that SCOTUS find that there is an ongoing violation of the 8<sup>th</sup> Amendment of the U.S. Constitution's protection from cruel and unusual punishment. Freda asks that they order a writ of mandamus and order the State of Oregon to release Freda immediately in order to stop the ongoing harm and lack of adequate protection from other AIC's. Freda asks SCOTUS to take it seriously and review his speech to determine if his freedom of speech is being violated and his 8<sup>th</sup> Amendment of the U.S. Constitution is being violated. The Oregon DOC should be able to protect Freda better than they are and because Freda has been assaulted so many times in such a short amount of time, Freda feels like it is a violation of the 8<sup>th</sup> Amendment because it is cruel to just continue to allow a prisoner to be assaulted repeatedly when something can be done. If SCOTUS were to issue a writ of mandamus and order the State of Oregon to do a compassionate release in accordance with 18 U.S.C. Sec 3582 (C)(1)(A) then Freda would only be let out 9 months early because his release date is June 13, 2026 which is next year. There would not be any harm to the public if Freda were released compassionately because he's already posed to get out next year. However, it would remedy the current Constitutional violation of the 8<sup>th</sup> Amendment of the U.S. Constitution and protect Freda from future ongoing harm. Freda hopes that SCOTUS can take it seriously because he doesn't want to get punched 490 more times. It would also stop the State of Oregon from violating Freda's right to free speech.

So, let's start discussing the facts of the Yamhill County Circuit Case # 21CR21721 case involving Freda and Santos. Freda and Santos are former friends. In 2018 Freda was living homeless at a Forest Grove, OR public park. Santos happened to live adjacent to the park and Freda did not know this. Santos boyfriend called the police multiple times while Freda was staying in the park, it was essentially his home for the time being. The police officers told Freda because that the park was public property and there was no restraining order of any kind against Santos or her boyfriend that they could not tell Freda that he had to leave the park. Yet Santos' boyfriend continued to call the cops for a couple days. Then a cop acted in good faith and charged Freda with Stalking ORS 163.732. Santos had said that her mom had a Facebook messenger facetime conversation with Freda where he threatened Santos' family. Freda completely denies those allegations. In 2018, Freda took the case to trial but lost and was convicted of stalking.

Freda then broke all contact with Santos until 2021 in where Freda sent a single text message that read word for word, "hello... it's been awhile. Just wanted to make sure if you had my phone number still? Please don't forget I love you forever and always." This text message Freda feels like is protected speech in both the U.S. 1<sup>st</sup> Amendment Freedom of Speech clause and the Article 1, Section 8 of the Oregon Constitution Freedom of Speech clause. The State of Oregon is bound to agree and follow the Constitutions yet still is punishing Freda for a simple text message to Santos. There were no threats made, or any nefarious statements in the text message of any kind whatsoever. The State is punishing Freda for things that are not allowed by the Constitution and Freda requests that the SCOTUS review his speech

and rule that the State of Oregon is overstepping their lawful authority to punish Freda with punitive sanctions for sending just one text message. Freda did not commit a crime in the first place because the cops told Freda that they couldn't tell him to leave the public park because it was public property. Then the next time the police show up, Freda gets arrested which set it up for the State of Oregon to violate both the U.S. and Oregon Constitutions to charge Freda after he sent the text message with ORS 163.750 -- violating a court's stalking protective order. But Freda asserts that SCOTUS can help stop this ongoing violation by issuing a writ of Mandamus ordering the Oregon Courts to reverse all convictions in the Yamhill County Circuit Court Case #21CR21721. When a person gets sentenced to serve 24 months (the state did a downward departure from 41-45 months because there was very small harm done) in the DOC for protected speech then you know there is an injury that needs emergency relief. In the State of Oregon caselaw *State v. Rangel*, 328 Or. 294, 977 P.2d 379 (Or. 1999), In order to be charged with stalking the accused must use threats of serious personal injury but Freda did not use any threats so he feels like the original stalking protective order is unlawful.

Again, Freda is suffering from a mental disorder of schizophrenia and wants SCOTUS to protect him just like they protected the prisoners in California with serious mental disorders just like in *Brown v. Plata*, SCOTUS please know that the OSP staff is not protecting him good enough. The OSP staff should be able to prevent these types of attacks on him but have failed miserably or at least immediately intervene but they can't. The one AIC punched Freda over 200+ times in a few minutes of nonstop pounding on Freda. Freda doesn't even think that the staff is aware of the situation so this shows with the ongoing harm that there is a current violation of the petitioner's (Freda's) 8<sup>th</sup> Amendment of the U.S. Constitution protections from cruel and unusual punishment. SCOTUS should intervene and provide emergency relief. Freda is so unsafe that he is requesting SCOTUS provides emergency relief within 8 days of the petition for a writ of Mandamus.

In *Brown v. Plata*, the SCOTUS's ruling prevented a lot of harm to 46,000 prisoners in California and Freda is asking that his case is also taken seriously in order to stop the cruel and unusual punishment that he is having to endure. If SCOTUS doesn't think the text message is a threat and instead is protected speech then please use sound discretion and decide to order a writ of mandamus that orders the State of Oregon to reverse all the convictions of Yamhill County Circuit Court Case # 21CR21721 and to update and fix the errors that are on the NCIC and LEDS systems. Freda urges the SCOTUS to stop the multiple Constitutional violations that the State of Oregon is doing.

Before Freda was arrested for these offenses that he didn't commit, he was on Supplemental Security Income, or SSI because of his mental disorder. Freda awaited pretrial in custody and his SSI benefits were suspended. Since September 2021 until now is 48 months that he has missed each and every single payment because of the Constitutional violations committed by the State of Oregon. If SCOTUS does in fact agree with Freda and rule that his text message to Santos is protected speech then SCOTUS could also order a writ of mandamus that orders the Oregon DOC to provide Freda with a payment in the amount of \$2,000-\$2,500 which is the amount that a SSI beneficiary may have at one time in his bank account. This payment would be helpful in that it's getting close to Fall/Winter and Freda would be needing

to look for a place to reside once released. Freda has missed a total of 48 payments which would amount to a sum over \$38,000 so the \$2,000-\$2,500 asked for is just a fraction of the amount missed out on. Freda believes that the Oregon DOC should be held responsible for their inability to protect him.

Please end the cruel and unusual punishment that Freda is enduring. Because of the urgency of the issues at hand, Freda is asking that SCOTUS handles this case in a timely manner in the length of 8 days from the date of this petition for a writ of mandamus. This writ of mandamus will be in aid of the Court's appellate jurisdiction because it will prevent the petitioner from filing a lawsuit. This writ of mandamus is accompanied by exceptional circumstances that warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court. Please hurry SCOTUS because Freda is very unsafe and his Constitutional right to free speech is being violated and is ongoing. Freda requests that the issuance of a writ of mandamus includes the State of Oregon having to inform the department of probation and parole that the 3 years of post-prison-supervision is unlawful and needs to be terminated before it even starts. The State of Oregon is restricted from making a law that abridges Freda's freedom of speech yet is punishing him with 3 years post-prison-supervision because he simply sent a single text message to Santos asking if he she still had his phone number. This is obviously a direct violation of Freda's rights of freedom of speech protected in the Constitution. Freda requests that SCOTUS include the post-prison-supervision in the Mandamus because it is harsh to punish someone for just asking if a girl still had their phone number. Please SCOTUS stop the State of Oregon from violating Freda's rights. Freda doesn't want to spend the next 3 years, or the equivalent of 94,608,000 seconds on post-prison-supervision just for asking a girl if she had his phone number because it's long time to be punished for just asking a girl if she still had their phone number. SCOTUS can provide emergency relief to an issue that is currently ongoing and hopes that they use sound judgement in order to provide that relief. It would be wrong for SCOTUS to not do anything and continue to allow the direct violation of Freda's freedom of speech because it is a federally protected right and the State of Oregon is in their jurisdiction. It's SCOTUS' duty to protect each individual equally as is stated in the 14<sup>th</sup> Amendment of the U.S. Constitution and Freda is asking for that equal protection of the laws now. Please honor it because Freda is a good person. Freda has been punched and kicked 490+ in the last 52 months and is really unsafe. SCOTUS has a chance to make a wrong right and hopefully they take that to heart. The State of Oregon needs to be admonished that it's not okay to punish Freda for things that he has a right to say. SCOTUS if you agree please do something ASAP because you could either agree that the State of Oregon is violating Freda's 1<sup>st</sup> amendment of the U.S. Constitution and order a Mandamus that the Oregon Courts reverse all convictions or you could agree that the State of Oregon is violating Freda's 8<sup>th</sup> Amendment of the U.S. Constitution because they're not protecting Freda from other violent AICs and continuing to allow the assaults on Freda. The Oregon DOC is really not adequately protecting Freda and this is a direct violation of the 8<sup>th</sup> Amendment protection against cruel and unusual punishment. Please provide emergency relief and order a writ of Mandamus that orders the State of Oregon to immediately release Freda in accordance with 18 U.S.C. Sec 3582 (C)(1)(A). Thank you, SCOTUS, for your time.

## REASONS FOR GRANTING THE PETITION

The State of Oregon is violating the U.S. Constitution 1<sup>st</sup> Amendment, 8<sup>th</sup> Amendment, and 14<sup>th</sup> Amendments. SCOTUS needs to prevent ongoing harm to Mr. Freda. Also, the State of Oregon convicted Mr. Freda of crimes he did not commit and is violating his freedom of speech. These violations have resulted in errors in the criminal database systems such as: NCIC, LEDS which need to be fixed. Mr. Freda did not threaten or stalk his Santos and Mr. Freda is unsafe at OSP and the OSP staff and corrections officers are unable to protect him resulting in cruel and unusual punishment.

**CONCLUSION**

The petition for a writ of mandamus should be granted.

Respectfully submitted,

Kristopher Freda

Date: September 16, 2025

No. 15867625

IN THE  
SUPREME COURT OF THE UNITED STATES

KRISTOPHER FREDA PETITIONER  
(Your Name)

vs.

STATE OF OREGON -- RESPONDENT(S)  
**PROOF OF SERVICE**

I, Kristopher Freda, do swear or declare that on this date, September 16, 2025, as required by Supreme Court Rule 29, I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF MANDAMUS on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Respondent

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 16, 2025.

Kristopher Freda  
(Signature)

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